



City of Loma Linda Community Development Department

25541 Barton Road, Loma Linda, CA 92354 ☎ (909)799-2830 📠 (909) 799-2891

CERTIFICATE OF OPERATION/OPERATOR'S PERMIT MESSAGE ESTABLISHMENT

FOR OFFICE USE ONLY

Date Filed: _____ Receipt #: _____

Application Fee: \$290 (\$100 change of owner) Project #: _____

SECTION I – APPLICANT AND BUSINESS INFORMATION

Applicant/Primary Contact (Name): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Owner of Record (Name): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Business Info (Business Name): _____

Bus. Address: _____

City: _____ State: _____ Zip Code: _____

Bus. Phone: _____ Bus. Email: _____

Hours and days of operation: _____

SECTION 2 - APPLICANT'S DATA

Date of Birth: ____/____/____ Social Security Number: ____-____-____

Place of Birth: _____
City State Zip Country

List any aliases and fictitious names used by applicant within the last 10 years:

_____	_____	_____
Alias	Alias	Alias
_____	_____	_____
Alias	Alias	Alias

Explain any and all aliases within the last 10 years: _____

List all residential addresses for a minimum of 10 years and dates of residence (use additional sheets if necessary):

_____	_____
Address	Dates of Residence
_____	_____
Address	Dates of Residence
_____	_____
Address	Dates of Residence

List all business names and addresses for a minimum of 10 years and dates (use additional sheets if necessary):

Business Name: _____ Dates Opened: _____
Address: _____ Suite: _____
City: _____ State: _____ Zip Code: _____
Reason for Revocation or Suspension (if applicable)

Business Name: _____ Dates Opened: _____
Address: _____ Suite: _____
City: _____ State: _____ Zip Code: _____
Reason for Revocation or Suspension (if applicable)

List all criminal convictions within the last 10 years, excluding minor traffic violations, date and place of each such conviction and reason therefore (use additional sheets if necessary)

Date Conviction Place of Conviction
Reason for Conviction (if applicable)

Date Conviction Place of Conviction
Reason for Conviction (if applicable)

SECTION 3 – BUILDING PLANS

Prior to approval of a Certificate of Operation, the business owner shall submit building plans to the Building Department for review and approval. Such plans shall be in compliance with the Operational and Facility Requirements attached to this application and described in Chapter 5.24 Massage Establishment of the Loma Linda Municipal Code.

SECTION 4 - CERTIFICATE OF OPERATION SUBMITTAL REQUIREMENTS

In accordance with Loma Linda Municipal Code, Chapter 5.24 "Massage Establishments", at the time of application submittal, applicants must submit a copy of the following documents:

- Copy of the signed property lease.
Notarized acknowledgement from the property owner acknowledging that a massage establishment will be located on his/her property.
Receipt of fingerprints (Livescans) taken for criminal history background by Loma Linda Police Dept.

SECTION 5 – SIGNATURE FOR CERTIFICATE OF OPERATION

I acknowledge that by applying for a Certificate of Operation of a Massage Establishment, I understand that I am responsible for all violations of employees or independent contractors that may take place in the massage establishment which you own or manage, and that any such violations are grounds for revocation of the Certificate of Operation and Operator's Permit.

Print Name (Applicant) Signature Date

SECTION 6 - APPROVALS REQUIRED FOR OPERATION PERMIT (LAND USE PERMIT)

Approvals are required from the departments listed below prior to submitting the application to the Community Development Department. These departments may require fees in addition to those fees required by the Community Development and Finance Department.

	<u>APPROVAL</u>	<u>DATE</u>
1. Planning Division (<i>last signature</i>) 909-799-2830	_____	_____
2. Building and Safety Division 909-799-2836 (Office hours: 8-10 am)	_____	_____
3. Public Works Department 909-799-4410 (Notice Only – No Plans)	_____	_____
4. Utilities Department 909-799-4420	_____	_____
5. Fire Inspector – Public Safety 909-799-2859, 909-799-2853	_____	_____
6. Sheriff’s Department	_____	_____
7. County Health Department 800-442-2283 <i>Please attach a copy of the approved County Health Permit</i>	<input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED	_____

*A County Health Permit is required. A copy of the County’s Massage Clinic Self-inspection Checklist can be found online:
<http://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/EHSDocuments/MassageClinicSelfInspectionChecklist.pdf>*

Applicants must have a valid and current CAMTC certificate before the issuance of a land use permit and business license. Permits remain in effect for 3 years; automatic renewal for CAMTC certificate holders. See Section 7 – Operator’s Permit for Each Massage Technician.

SECTION 7 - OPERATOR'S PERMIT FORM FOR EACH MASSAGE TECHNICIAN

OPERATOR'S PERMIT. Required for each technician and operator/manager working at the massage establishment. Make copies as needed. Form will be attached and filed with the Operation Permit (Massage Establishment Land Use Permit) on file.

Technician's Name: _____

Home Address: _____ APT.: _____

Phone Number: _____

Business Name: _____

Business Address: _____ STE: _____

Business Owner Name: _____

Business Phone: _____

PLEASE SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH EACH FORM:

- Copy of valid and current California Massage Therapy Council (CAMTC) certificate(s).**
- Copy of approved San Bernardino County Department of Public Health permit.** Applicants must provide health clearances issued by the San Bernardino County Department of Public Health Officer. These clearances must be dated within **thirty (30) days** of submitting the application and must certify that the applicant is free of infectious or communicable diseases. Contact your nearest San Bernardino County Department of Public Health Clinic for further information, or call 1-800-422-2283
- Photo** of each technician or operator/manager. A copy of CA Driver's License or CA I.D. will suffice.

APPLICANT'S SIGNATURE: _____ DATE: _____

BUSINESS OWNER'S SIGNATURE: _____ DATE: _____

* FOR OFFICE USE ONLY *		
	<u>APPROVAL</u>	<u>DATE</u>
Planning Division 909-799-2830 Please sign if plans have been reviewed and approved for the massage establishment:	_____ _____	_____ _____
Building and Safety Division 909-799-2836 (Office hours: 8-10 am)	_____ _____	_____ _____

Loma Linda Municipal Code
Chapter 5.24 Massage Establishment

5.24.060 CAMTC Certificate Required

(A) No person shall provide massage services, including out-call massage services, from any location in the city without having been issued a CAMTC certificate, regardless of whether such person has an operator permit or the business has a certificate of operation.

(B) Any person certified by the state who desires to operate a massage establishment, must obtain an operator permit in accordance with Sections 5.24.070 through 5.24.120.

(C) No operator of a massage establishment shall hire as an employee or utilize as an independent contractor any person to perform massage unless such person holds a current and valid CAMTC certificate. (Ord. 730 § 1, 2016)

Section 5.24.130 Operation Requirements

OPERATIONAL AND FACILITY REQUIREMENTS.

(A) *Hours and conditions of operation.*

(1) No massage establishment shall operate nor shall any massage be administered in any massage establishment between the hours of 10:00 p.m. and 8:00 a.m. A massage begun any time before 10:00 p.m. must nevertheless terminate at 10:00 p.m. The hours of operation must be displayed in a conspicuous public place in the lobby within the massage establishment and in any front window clearly visible from outside of the massage establishment. These hours of operation may be modified pursuant to a conditional use permit.

(2) During hours of operation, no person other than a valid permit holder under this chapter, a massage practitioner, a massage therapist, or a patron shall be allowed beyond the reception area of the massage establishment.

(3) Patrons and visitors shall only be permitted in the massage establishment during the hours of operation.

(a) Visitors shall only be permitted in the reception area of the massage establishment.

(b) Patrons shall only be permitted in massage treatment areas if at least one massage technician is on the premises.

(4) The massage establishment shall be supervised during all hours of operation by a manager who is one of the operators specified in the permit application. The name and photograph (minimum size of four inches by six inches) of the on-duty manager shall be posted in a conspicuous public place in the lobby of the massage establishment at all times that the business is open. This provision shall not apply to Sole Providers.

(5) No massage establishment shall be used for residential purposes. There shall be no massage tables, cots, or beds in the establishment other than as shown on the approved floor plan. Locker facilities shall be provided for all employees and independent contractors and all personal items of the employees and independent contractors shall be kept in the lockers while at the massage establishment.

(B) *Posting requirements.*

In addition to any other requirements for posting set forth in this chapter, the following shall also apply:

(1) A recognizable and legible sign complying with the requirements of this code shall be posted at the main entrance identifying the establishment as a massage establishment.

(2) Each service offered, the price thereof, and the minimum length of time such service shall be performed shall be posted in English and such other languages as may be convenient to communicate such service, in a conspicuous public location in each massage establishment. No services shall be performed and no sums shall be charged for such services other than those posted. Nothing herein prohibits a voluntary tip from being paid by the patron.

(3) Any posted signs which are in a language other than English shall also be posted in English.

(C) *Instruments, equipment, and personnel.*

(1) Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing acts of massage and said instruments shall be disinfected and sterilized after each use.

(2) Unless otherwise approved by a conditional use permit, massages shall be administered only on standard or portable massage tables or chairs which are covered with a durable, washable plastic or other acceptable waterproof material. Beds, mattresses, water beds, futons, sofa beds, any type of portable or convertible beds, and foam pads more than four inches thick or with a width of more than four feet shall not be permitted in the establishment.

(3) No massage technician shall massage the genitals or anal area of any patron nor shall any operator of a massage establishment allow or permit such a massage to the above-specified areas.

(4) No massage technician shall massage the breasts of a female patron without the written consent of the person receiving the massage and a referral from a licensed California health care provider, nor shall any operator of a massage establishment allow or permit such a massage to the above-specified area.

(5) A massage shall not be given and no patron shall be in the presence of any massage establishment staff unless the patron's genitalia and, if a female patron, the female patron's breasts, are fully covered by a fully opaque, nontransparent covering.

(6) Persons providing services in the massage establishment shall not be dressed in attire that is: transparent, see-through, substantially exposes the massage technician's undergarments, or exposes the massage technician's breasts, buttocks, or genitals; in a manner which has been deemed by CAMTC to constitute unprofessional attire based on the custom and practice of the profession in California; or in swim attire unless such person is providing a water-based massage modality which has been approved by CAMTC.

(7) All massage establishments shall be so equipped, maintained and operated as to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present effective control measures shall be instituted for their control or elimination.

(8) Clean and sanitary towels, sheets and linens shall be provided for each patron of the establishment. No common use of towels or linens shall be permitted. Heavy white paper may be substituted for sheets; provided, that such paper is used once for each person and then discarded into a sanitary receptacle.

(9) All massage tables shall be at least two feet away from all walls at all times.

(D) *Personnel lists.*

(1) Within seven calendar days of receiving a Certificate of Operation, the operator shall provide the Community Development Director with a complete list of all massage technicians who are working or will work, be employed, or provide massage services in the massage establishment along with a copy of their CAMTC certificate and identification card, as well as with the name and residence address of the manager principally in charge of the operation of the massage establishment and of any other manager.

(2) The operator shall have a continuing obligation to notify the Community Development Director in writing of any changes in massage technicians and managers within seven calendar days of such change.

(3) The operator shall maintain copies of each massage technician's CAMTC Certificate and identification card on file on the premises of the massage establishment which shall be available to any individual upon request, including but not limited to employees of the City. Additionally, the operator shall be required to file copies of each CAMTC Certificate and identification card with the Community Development Director within seven days of a massage technician beginning to work at the massage establishment. Information required by this section shall be maintained at the massage establishment for a minimum of two years following the date that the person ceases providing services/employment to the massage establishment.

(4) The operator shall maintain on the premises of the massage establishment a register of all non-state certified persons employed, working or providing other services at the massage establishment. The register shall be maintained for a minimum of two years following the time that the person ceases providing services/employment to the massage establishment. The Operator shall make the register immediately available for inspection upon demand of a representative of the Community Development Director, any health officer, or any other official charged with enforcement of this chapter. The register shall include but is not limited to the following information:

(a) Name, nicknames and/or aliases;

(b) Home address and relevant phone number, including but not limited to home, cellular and pager numbers;

(c) Age, date of birth, gender, height, weight, color of hair and eyes;

(d) The date of employment, and termination, if any;

(e) The duties of each person; and

(f) In a separate portion of the register, Social Security numbers, which shall only be available for review by the Loma Linda Police Department or other law enforcement personnel, but not health officers or other officials charged with the enforcement of this chapter.

(E) *Prohibited conduct.*

(1) No alcoholic beverages shall be sold, served, or furnished on the premises of any massage establishment without a valid alcoholic beverage license from the State and conditional use permit from the City.

(2) No storage or sale of condoms or spermicides shall be permitted within the massage establishment.

(3) No operator shall hire, employ or allow a person to perform massage services unless such person possesses a valid CAMTC Certificate. Each operator of a massage establishment shall verify that all persons hold the appropriate CAMTC Certificate required by this chapter. Nothing herein prevents an operator from hiring, employing, or allowing a person to perform services allowed by such person's cosmetology or barber license, if the business has a state establishment license in addition to a Certificate of Operation.

(4) No person shall use or possess, nor shall there be any storage of, any sexually-oriented implements or paraphernalia which are designed or market primarily for the stimulation of human genital organs or sadomasochistic activity.

(5) No electrical, mechanical or artificial device shall be used by any massage establishment staff for audio and/or video recording or for monitoring the performance of a massage, of the conversation or other sounds in the massage rooms, without the knowledge and written consent of the patron.

(6) No operator of a massage establishment shall place, publish or distribute or allow or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons or clients that any service is available other than those services described in this chapter and posted on the premises as required in this chapter, nor shall any massage establishment employ language in the text of any advertising that would reasonably suggest to a prospective patron that any service is available other than those services described in this chapter and posted on the premises as required by this chapter.

BUILDING AND FACILITY REQUIREMENTS.

(A) The building, or unit within the building where the massage establishment is located, shall comply with all applicable building code requirements.

(B) All massage rooms and dressing rooms shall be screened off by hinged doors that can open inward. Swinging doors that can open inward, draw drapes, curtain enclosures, or accordion-pleated closures in lieu of doors are acceptable on all inner dressing rooms and massage therapy rooms or cubicles. Except for bathroom doors, interior doors may not have locks on them.

(C) In addition to any lighting required by the provisions of the Loma Linda Municipal Code, all rooms in which massages are being provided shall be lit with a minimum of one light fixture emitting at least 210 lumens for every 150 square feet of space during the administration of such services, with the light fixtures being spread throughout the space. No dimmer switches, strobe lights, flashing lights, colored light, or any coverings or other apparatus, other than a lampshade, which changes or darkens the color of the primary light source shall be used in any room in which massage services are being provided.

(D) Any locker facilities provided for the use of patrons shall be fully secured for the protection of the patron's valuables and the patron shall be given control of the key or other means of access.

(E) The walls in all rooms where water or steam baths are given shall have a washable mold-resistant surface.

(F) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned and disinfected each day the business is in operation. Bathtubs shall be thoroughly cleaned and disinfected after each use.

(G) One main entry that enters into the reception area shall be provided for patron use. All patrons, and any persons other than those providing services at the massage establishment, shall be required to enter and exit through the front door of the establishment.

(H) All exterior doors (except rear exterior doors used only for employee entrance to and exit from the massage establishment) shall remain unlocked during business hours, and the establishment shall comply with the provisions of the Loma Linda Municipal Code pertaining to the posting of signs stating that doors shall remain unlocked during business hours. Exits for fire safety purposes may be allowed where deemed necessary by the appropriate public safety agency. Notwithstanding the above, the front door may be locked if there is no staff available to assure security for the clients and massage staff who are behind closed doors, provided that the massage establishment is owned by one individual with one or no employees or independent contractors.

(I) There shall be no buzzer, alarm or intercom system.

(J) No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs or darkens the view into the premises or by

signs that cover more than 25% of any windowpane. The interior of the business shall be plainly visible from the exterior of the business by passing vehicles and pedestrians.

INSPECTIONS.

(A) Representatives of the City's Police Department, Fire Department, Community Development Department, and Finance Department, and agents for the City from the County Health Department and representatives of any state or local agencies with regulatory authority over massage establishments shall have the right to enter massage establishments, from time to time, during regular business hours, or at any time that the massage establishment is occupied or open for business, to verify the massage establishment is in compliance with all applicable laws without the need for an inspection or abatement warrant.

(B) The operator shall cause to be conspicuously posted so that the same may be readily visible to persons in the reception area of the massage establishment, in letters that are a minimum of one inch in height, a notice in English which provides substantially as follows:

THIS MASSAGE ESTABLISHMENT AND THE MASSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY CITY AND HEALTH OFFICIALS WITHOUT PRIOR NOTICE

In addition, operators are encouraged to post this notice in language(s) that are best understood by the customers of the massage establishment.

(C) No person shall refuse to permit, cause delay of, or interfere with, a lawful inspection or compliance check of the premises by the officials listed in division (A) of this section at any time.